



Legislation Text

File #: 21-0338, Version: 1

City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 21, 2020

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Passage of an Ordinance to amend Title 5, Chapter 6 of the City Code to update the existing Sewage Disposal Ordinance related to the Discharge of Fats, Oils and Grease (FOG) into the Sanitary Sewer Collection System from Food Service Establishments.

ISSUE: Consideration of a proposed ordinance to amend Title 5, Chapter 6 of the City Code to update the existing sewage disposal ordinance related to the discharge of Fats, Oils and Grease (FOG) into the sanitary sewer collection system from food service establishments.

RECOMMENDATION: That City Council pass on second reading (first reading and public hearing completed) the attached proposed ordinance (Attachments 1 and 2) that has been updated based on the feedback received from City Council following the introduction of the ordinance on October 6th and the public hearing on October 17th. A copy of the September 30th docket memo to City Council (Attachment 3) provides background information about FOG and a discussion that summarizes the need for a new ordinance for FOG.

DISCUSSION: The proposed FOG ordinance that was introduced at the October 6th City Council Legislative meeting has been amended based on questions raised by City Council. A summary of the changes is provided below. It should be noted that the City Attorney believes these changes do not trigger a second public hearing as the changes are intended to provide additional clarity and do not result in additional requirements for food service establishments.

- Based on the discussion at the October 6th legislative meeting regarding the impact of the ordinance on food service establishments and concerns raised by the Mayor, staff is recommending delaying the effective date of the proposed ordinance until July 1, 2021. This will allow for additional outreach to food service establishments and the restaurant community, along with providing ample time for these businesses to make any changes on their end to ensure compliance with the proposed ordinance.

- The proposed ordinance has been amended following questions from and discussions with Vice Mayor Bennett-Parker following the October 6th ordinance introduction. A summary of these changes is provided below:
 - Additional definitions were also provided with respect to the various types of grease control devices and clarifications made about the function of these devices and maintenance requirements for them. Changes to the ordinance apply to Sections 5-6-228, 5-6-229.1, 5-6-229.6(c).
 - Additional clarification was provided to Sections 5-6-229, 5-6-229.3, and 5-6-229.6 to expressly prohibit dumping of FOG or the discharge of any wastewater with FOG without the use of a grease control device.
 - Additional language was provided in Section 5-6-229.6 requiring that food service establishments that apply to the Director of Transportation and Environmental Services for a less frequent maintenance schedule than what is specified in the proposed ordinance must demonstrate that a less frequent maintenance schedule will not result in additional FOG being discharged into the City's sanitary sewer system. A provision was also included that clarifies that a food service establishment may not utilize introduction of various additives to the wastewater in lieu of the maintenance requirements in this section.
 - Section 5-6-229.10 was amended to provide a provision that clarifies that this ordinance is not the City's exclusive remedy if enforcement action is taken for a violation of this ordinance.

FISCAL IMPACT: The City already has in place a program to inspect food service establishments for FOG. There is no additional fiscal impact.

ATTACHMENTS:

Attachment 1 - Ordinance Cover

Attachment 2 - Ordinance

Attachment 3 - September 30, 2020 Memo to City Council

STAFF:

Emily A. Baker, Deputy City Manager

Adrienne Fine, Assistant City Attorney

Yon Lambert, Director, T&ES

William Skrabak, Deputy Director, T&ES,

Erin Bevis-Carver, Acting Division Chief, T&ES

Rachel Stradling, Alexandria Health Department